



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, May 6, 2009
9:00 AM**

1. INVOCATION

Supervisor Wilcox said that Bishop Gonzales who was scheduled to give the invocation had not yet arrived and she opened the meeting by giving the invocation.

2. PLEDGE OF ALLEGIANCE

Bill Kennedy, Assessor's Office, led the assemblage in the Pledge.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, May 06, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1; Don Stapley, Vice Chairman, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

Clerk of the Board Fran McCarroll noted for the record that the Board has previously expressed concerns about the adversarial positions the county attorney's office has often taken against the Board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. The county attorney's office is in attendance at this meeting – presumably to advise the Board as they proceed with the meeting. In light of the stated concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.

4. Pet Showcase by Maricopa County Animal Care and Control.

Aprille Hollis introduced a two-month old gray and white mix kitten named Sassy. Ms. Hollis said Sassy has lots of energy, along with a few quiet spells. The cost to adopt Sassy today is only \$50 and this includes spay surgery and rabies shots. Call 602-506-PETS to learn more information about pet adoptions.

5. MARICOPA COUNTY PROCLAMATION FOR PUBLIC WORKS WEEK

Approve a proclamation establishing May 18 - 23, 2009 as Public Works Week in Maricopa County. (C-91-09-167-M-00)

Clerk of the Board Fran McCarroll read the proclamation. A copy of this proclamation is on file in the Clerk of the Board's Office.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

STATUTORY HEARINGS

Clerk of the Board

6. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. PERSON TO PERSON TRANSFER FOR RECREATION CENTERS OF SUN CITY INC WILLOWCREEK WILLOWBROOK GOLF COURSE

Pursuant to A.R.S. §4-203, approve an application for a Person to Person Transfer of a Series #07 Liquor License from Douglas Ronald Bratsch to John C. Snyder for Recreation Centers of Sun City, Inc., Willowcreek Willowbrook Golf Course at 10600 Boswell Boulevard, Sun City, AZ 85373. (AZ #07070512) (Supervisory District 4) (C-06-09-356-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

b. PERSON TO PERSON TRANSFER FOR RECREATION CENTERS OF SUN CITY INC SUN CITY LAKES GOLF CLUB

Pursuant to A.R.S. §4-203, approve an application for a Person to Person Transfer of a Series #07 Liquor License from Douglas Ronald Bratsch to John C. Snyder for Recreation Centers of Sun City, Inc., Sun City Lakes Golf Club at (10433 W. Talisman Road, Sun City, AZ 85351 (AZ #07070509) (Supervisory District 4) (C-06-09-357-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

c. PERSON TO PERSON TRANSFER FOR RECREATION CENTERS OF SUN CITY INC RIVER VIEW GOLF COURSE

Pursuant to A.R.S. §4-203, approve an application for a Person to Person Transfer of a Series #07 Liquor License from Douglas Ronald Bratsch to John C. Snyder for Recreation Centers of Sun City, Inc., River View Golf Course at 16401 N. Del Webb Boulevard, Sun City, AZ 85351. (AZ #07070510) (Supervisory District 4) (C-06-09-358-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

d. PERSON TO PERSON TRANSFER FOR RECREATION CENTERS OF SUN CITY INC SOUTH GOLF COURSE

Pursuant to A.R.S. §4-203, approve an application for a Person to Person Transfer of a Series #07 Liquor License from Douglas Ronald Bratsch to John C. Snyder for Recreation Centers of Sun City, Inc., South Golf Course at 11000 N. 103rd Avenue, Sun City, AZ 85351. (AZ #07070508) (Supervisory District 4) (C-06-09-360-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

e. PERSON TO PERSON TRANSFER FOR RECREATION CENTERS OF SUN CITY, INC., NORTH GOLF COURSE

Pursuant to A.R.S. § 4-203, approve an application for a Person to Person Transfer of a Series #07 Liquor License from Douglas Ronald Bratsch to John C. Snyder for Recreation Centers of Sun City, Inc., North Golf Course at 12650 N. 107th Ave., Sun City, AZ 85351. (AZ #07070511) (Supervisory District 4) (C-06-09-359-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

f. PERMANENT EXTENSION OF PREMISES/PATIO FOR GAVILAN PEAK SPORTS BAR & GRILL

Pursuant to A.R.S. §4-207.01, approve an application filed by Michael R. Thomas for a Permanent Extension of Premises/Patio of a Series 06 Liquor License for Gavilan Peak Sports Bar & Grill at 46639 N. Black Canyon Highway, New River, AZ 85087. (Supervisory District 3) (C-06-09-392-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

7. TERMINATION OF THE MARICOPA COUNTY SPORTS AUTHORITY

Conduct a public hearing for the purposes of deciding whether to terminate the Maricopa County Sports Authority (Authority) pursuant to A.R.S. §11-706. At the hearing, the Board will hear from all persons who wish to appear in favor of or against the termination of the Authority. If the Board determines that the Authority is no longer in the public interest, convenience or necessity, it shall declare its findings and order the termination of the Authority as of June 30, 2009. If termination of the Authority is ordered by the Board, said termination shall be subject to the agreed upon Termination Terms and Conditions.

In addition, if the termination is ordered, approve the donation of any surplus furniture and equipment, that have little or no value, to the Maricopa County Sports Commission (Commission), pursuant to A.R.S. §11-251(9). (C-20-09-045-7-01)

Supervisor Wilcox commented that the Sports Authority will continue to operate but not under the auspices of the County.

Jon Schmieder, Executive Director, said this organization will be known as the Phoenix Regional Sports Commission. When created in 1988 the Sports Authority was one of five in the country and there are now 480 that sell sports tourism for their marketplace, creating much competition. These are mostly organized under a 501 (C)(3) IRS designation, which the Phoenix Commission has held for several years, but not used. Now this designation will be activated under the new name. This will allow greater latitude in several areas, but the relationship with the community and the County will be the same. He thanked staff for their help over the years and in bringing about this opportunity.

Mark Tudi, Chairman of the Commission's Board, said he has been involved with the Commission since its inception in 1988 and seen the peaks and valleys it has experienced. He expressed appreciation for the support given by the County through

the years and said the Commission Board Members are excited at the new direction but will remain active with the County in every way possible.

Supervisor Kunasek asked about items that are scheduled to be donated to the Commission and if this would require a unanimous vote of the Board.

The Clerk responded that for items that are without value and/or are unauctionable, a unanimous vote is not necessary.

The recommendation was made by Supervisor Kunasek. His motion follows: "I move that we find that the Maricopa County Sports Authority no longer serves the public's interest, convenience and necessity, and that we enter the following order pursuant to A.R.S. § 11-706:"

IT IS ORDERED THAT the Maricopa County Sports Authority shall be terminated effective June 30, 2009;

IT IS FURTHER ORDERED THAT the termination shall be in accordance with the approved Termination Terms and Conditions attached as "Exhibit A" to the Board's Resolution dated April 1, 2009, and incorporated herein by this reference;

IT IS FURTHER ORDERED THAT upon termination, the County shall assume all outstanding liabilities and obligations of the Authority and shall acquire all the assets of the Authority;

IT IS FURTHER ORDERED THAT upon receipt and review of the Authority's Fiscal Year 2009 audited financial statements and capital assets valuation, the County shall donate any surplus equipment and/or materials that have little or no value or that are unauctionable to the Maricopa County Sports Commission Foundation, a 501(c)(3) non-profit, non-governmental organization pursuant to A.R.S. § 11-251(9).

by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

8. PROPOSED MARICOPA COUNTY STORMWATER REGULATION

Pursuant to A.R.S. §49-112, convene the scheduled public hearing to solicit comments and consider the adoption of a proposed Maricopa County Stormwater Quality Management and Discharge Control Regulation. Upon Board approval, this item will become effective from and after June 8, 2009. The adoption of this regulation also includes the adoption of approval and permit fees as outlined in Chapter 12 of the regulation.

Maricopa County meets the minimum federal requirements for designation by the United States Environmental Protection Agency (EPA) as a small Municipal Separate Storm Sewer operator or MS4. As a small MS4, the County is required by the Federal Water Pollution Control Act of 1972, commonly known as the Clean Water Act (as amended), to implement and enforce a program to improve to the maximum extent practicable the quality of Stormwater discharges from the County's Stormwater conveyance system within the unincorporated urbanized areas of the County.

Maricopa County may enact a Stormwater regulation pursuant to A.R.S. §11-251(66) and 49-371. Maricopa County, as a Municipal Separate Storm Sewer System under Phase II of the National Pollutant Discharge Elimination System (NPDES) Stormwater program of the

Environmental Protection Agency (EPA) is empowered to regulate Stormwater by the authority of the Clean Water Act, 33 U.S.C. 1251 et seq.

This Regulation shall be known as the Maricopa County Stormwater Quality Management and Discharge Control Regulation. There are six minimum Stormwater control criteria required in the Phase II program by the federal regulations found at 40 CFR 122.34 and in the Arizona Phase II permit. They are:

1. Public education and outreach on stormwater impacts;
2. Public involvement and participation;
3. Illicit discharge detection and elimination;
4. Construction site Stormwater runoff control;
5. Post-construction Stormwater management in new development and redevelopment;
6. Pollution prevention/good housekeeping for municipal operations.

This Regulation meets Phase II permit requirements three, four and five. Requirements one, two and six are applicable to Maricopa County and do not require the adoption of language to regulate activities by others within the County areas covered by the Phase II permit.

The purpose of this Regulation is to provide for the health, safety, and general welfare of the citizens of Maricopa County through the prohibition of non-Stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Regulation will also protect Waters of the U.S. within Maricopa County by improving the quality of the Stormwater runoff from urbanized areas to the County-owned system by means of the use of best management practices (BMPs) by the County and its citizens.

This Regulation ensures that the County is compliant with its Arizona Pollutant Discharge and Elimination System (AZPDES) permit requirements by establishing methods for controlling the introduction of pollutants into the County's municipal separate storm sewer system (MS4). The objectives of this Regulation are:

1. To regulate the contribution of pollutants to the MS4 by Stormwater discharges in unincorporated urbanized areas by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Regulation.

Stormwater Pre-Construction Phase: Fee

Pre-Construction Plan Review \$1,050.00

Pre-Construction Site Inspection \$325.00

One Additional Review of Pre-Construction plans with minor revisions and One

Inspection of the Site Revisions \$670.00

Re-Inspection of site when corrections to the site have been made following a failed initial site inspection \$325.00

Expedited plan reviews and inspections are available at twice the standard fee Double fee

Note: Applicant will have to re-apply for the pre-construction permit if the revised plan or site inspection resulting from a revision or re-inspection of the site fails to get approval by the Department.

Stormwater Post-Construction Phase: Fee

Post-Construction Plan Review \$1,050.00

Post-Construction Site Inspection \$325.00

One Additional Review of Post-Construction Plans with Minor Revisions and One Inspection

of the Site Revisions \$670.00

Re-Inspection of Site when Corrections to the Site have been made following a failed Initial Site Inspection \$325.00

Expedited Plan Reviews and Inspections are available at twice the standard fee Double fee

Note: Applicant will have to re-apply for the Post-Construction Permit if the Revised Plan or Site

Inspection resulting from a Revision or Re-Inspection of the Site fails to get Approval by the Department.

Miscellaneous: Fee

Inspections by Request \$325.00

Waivers: Fee

Fee Includes Document Reviews and Site Inspection \$2,425.00

Permit Transfers: Fee

The fees presented are for permits and permit related activity approvals issued to a newly listed owner-operator of the site. \$200.00

Refunds:

The client will be granted a 60% refund if the plan has not yet been assigned to department plan review staff. No refunds will be made after the department has started review of the client's plans. (C-88-09-008-7-00)

John Powers, Director, Environmental Services, said the establishment of the Stormwater Regulations marks another milestone for the County. This process began in December 2007 with obtaining the State's Stormwater Permit and Maricopa County later teamed with five other Arizona counties to sponsor legislation creating the necessary authority in state statute. The department met and worked with interested stakeholders to enhance the document that is being recommended for approval.

Dan Brenden, County Attorney's Office, explained several minor clarifications – modifications, prior to the vote – amendments are listed on the document entitled “Maricopa County Stormwater Management and Discharge Control Regulation Amendments” on file in the Clerk of the Board's Office.

Spencer Kamps, Home Builders Association of Central Arizona, thanked the County and staff members who worked with their industry to complete these regulations. He said stormwater has been a passionate issue for the homebuilding industry and is a regulatory nightmare if not done correctly. He stated that some of the changes made by staff are from the homebuilders suggestions and he felt they are very important, however, the group is still opposed to this regulation as drafted.

He agreed with the need for the regulation but took issue with builders still having to get a permit from the County as well as from the State. He said getting two permits is a problem. There is no problem is their sharing plans so the County is aware of what is being done, homebuilders just don't like having to obtain a second permit and the cost entailed with that.

Dan Brenden responded that there is no dual permit in that Maricopa County is the permittee -- the holder of the permit, and, as such, must review and approve all site plans. The cost involved with that is based on what the County expends in the review.

John Powers explained that the Office of Management and Budget (OMB) requires that before he can hire staff he must have the fee structure in place. He is working with OMB

to achieve a fee structure for the Board to approve.

Supervisor Kunasek asked for the Department to present status reports to the Board to make sure this action does not hinder progress for the community workforce involved in working with these regulations.

Motion to approve as amended for clarification and with the requested status reports to the Board, (Document and amendments are on file at the Clerk of the Board's Office),
by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Public Works

9. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. ROAD FILE NO. A418** said alignment is also known as Cavalry Road from 7th Avenue to 3rd Avenue.

General Vicinity: Cavalry Road from 7th Avenue. Supervisor District No. 3 (C-91-09-138-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

- b. ROAD FILE NO. 5810**

General Vicinity: El Mirage Road and Pinnacle Peak Road. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-140-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

- c. ROAD FILE NO. 5811**

General Vicinity: Pinnacle Peak Road and 123rd Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-141-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

d. ROAD FILE NO. 5807

General Vicinity: Area bordered by Olive Avenue on the South, Peoria Avenue on the North, Perryville Road on the West and Citrus Road on the East. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-122-M-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Board

10. APPLICATION FOR FIREWORKS DISPLAY

Pursuant to A.R.S. 36-1603, approve an application for a fireworks display filed by Sarah Simpson of Fireworks Productions of AZ. The event will be located at the Phoenix Country Club at 2901 N. 7th Street, Phoenix, AZ 85014 on July 4, 2009 at approximately 8:30pm. (Supervisory District 3) (C-06-09-369-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

11. AMENDMENT TO EXECUTIVE COMPENSATION PACKAGE

Approve an amendment to Executive Compensation Package (ECP) for Connie Copeland, the unclassified Deputy Clerk of the Board in the Clerk of the Board's Office, placing her at the Schedule 4 leave accrual rate, effective April 13, 2009.

If approved, this ECP agreement will authorize and add the Schedule 4 leave accrual rate, effective April 13, 2009, to Ms. Copeland's ECP approved at the April 15, 2009 meeting. (C-06-09-388-9-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

County Attorney

12. TRANSFER EXPENDITURE APPROPRIATION FOR LITIGATION COSTS OF GRAVES V. ARPAIO (HART V. HILL)

Approve, pursuant to A.R.S. §42-17106(b), the transfer of FY 2008-09 expenditure authority in the not-to exceed amount of \$700,000 from the Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Contingency line to County Attorney Civil (280) General Fund (100) Non-Recurring/Non-Project (0001) line. This action funds County Attorney Civil Division for litigation costs associated with the Graves v. Arpaio (formerly Hart

v. Hill) case. This action has a net zero budgetary impact countywide and does not change the duly adopted budget as approved by the Board of Supervisors.

In C-49-09-013-2-01, \$400,000 was funded in the County Attorney Civil General Fund for legal costs associated in complying with the Court's hearing requirements in Graves v. Arpaio (formerly Hart v. Hill) regarding the treatment of presentenced inmates in County detention facilities. Based on actual expenses, this action provides an additional \$700,000 in contingency funding for Graves v. Arpaio litigation expenses, adjusting the total expenditure budget for this non-recurring line item to \$1,100,000 for FY 2008-09. (C-49-09-013-2-02)

Robert McElwain, resident, spoke on jail conditions and litigation that has taken place against the Sheriff for mistreatment of prisoners. He said it is time for the Board of Supervisors to prevent this mistreatment from happening.

Gregorio Leon spoke in Spanish, charging that yesterday 500 prisoners went on a hunger strike to protest the inhumane treatment they receive and the spoiled food they are given to eat.

Dr. Sylvia Herrera, speaking for the female inmates at Estrella Jail, said on Saturday the women started a fast and have now been joined by more than 500 male inmates because of the continued abusive treatment received. She said Maricopa County can no longer finance the defense of those in the jails who are violating civil rights of prisoners. She asked the County to suspend the 287G Agreement for Sheriff Arpaio.

Salvador Reza spoke to the seriousness of the hunger strike at the jails, believing it serious enough to suspend the 287G Agreement with the Sheriff. He cited comments made by Sheriff Arpaio on TV the previous evening in response to the messages of concern being received. Mr. Reza said Sheriff Arpaio is continuing to do what the court ordered him not to do. He said their group will take this issue to Homeland Security and President Obama if the Board does not act.

Supervisor Wilcox asked that this item be tabled for two weeks so Board Members can be briefed on the status of necessary changes as contained in Graves vs. Arpaio. Among other things, the lawsuit addresses the food served to inmates. She did not feel additional money should be appropriated for this litigation until the Board is in full understanding of its status and of the Sheriff's compliance.

Supervisor Kunasek felt that to delay the vote could result in a worsening of the issue that is being resolved through this litigation and by the courts. That delay could actually hinder the resolution that everyone wants to see in maintaining good healthcare and food standards. Mr. Kunasek felt this matter now has the attention of a judge who wants to bring about a good resolution and the Board should proceed in good faith to provide help.

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilson

Ayes: Kunasek, Wilson

Nays: Wilcox

Absent: Stapley, Brock

13. COUNTY ATTORNEY CIVIL DIVISION BUDGET ADJUSTMENT

Approve, pursuant to A.R.S. §42-17106(b), an increase of the FY 2008-09 County Attorney Civil (280) General Fund (100) Operating (0000) revenue and expenditure appropriations by \$224,203 with offsetting adjustments in Eliminations (900) Eliminations Fund (980) Operating (0000). This action corrects a budget omission related to County Attorney Civil

retainers, has zero net impact countywide, and does not change the duly adopted budget as approved by the Board of Supervisors. (C-19-09-048-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

14. AMENDMENT TO CONTRACT WITH SCOTTSDALE HEALTHCARE FOR SEXUAL ASSAULT EXAMINATIONS, EVIDENCE COLLECTION, AND COURTROOM TESTIMONY

Approve Amendment No. 2 to the contract with Scottsdale Healthcare on behalf of the Sexual Assault Nurse Examiners (SANE) Program and authorize the Chairman to sign all documents related to this agreement. The contract term is changed and will now terminate on September 30, 2010. Through this amendment, the reimbursement cost per case will increase from \$525 to \$557. In addition, effective July 1, 2009, the cost per case will increase from \$557 to \$579. The maximum amount for additional laboratory testing, as required by law enforcement or the Maricopa County Attorney's Office, will remain unchanged at \$150 per case. Additional amendments include modifying terms and conditions to conform to current law regarding use of E-Verify for all employees and business restrictions with Sudan and Iran.

The County Attorney is charged with the responsibility of investigating, gathering evidence, reviewing such evidence, and prosecuting criminal conduct in Maricopa County in sexual assaults and sexual abuse matters. Scottsdale Healthcare, doing business as Sexual Assault Nurse Examiners (SANE), maintains and is willing to provide professional healthcare providers, staff, personnel, knowledge and expertise to gather and collect evidence, provide assessments, consultations and courtroom testimony in furtherance of the investigation and prosecution of sexual assaults or sexual abuse matters. Since October 4, 1999, the Maricopa County Attorney's Office has been reimbursing SANE for the collection of evidence in accordance with Maricopa County Procurement Code MC1-102-B. The Maricopa County Attorney's Office may, at its option and with the approval of SANE, extend the period of this Contract up to a maximum of two additional, one year options. (C-19-05-020-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Superintendent of Schools

15. APPLY AND ACCEPT THE GIFTED EDUCATION GRANT

Approve the application and acceptance of grant funds from Arizona Department of Education, (09SSAGFT-970696-03A), in the not-to-exceed amount of \$13,102 for the purpose of improving instructional services for Gifted students within the Maricopa County Educational Services Agency (ESA) Gifted Educational Consortium for charter schools. The grant award begins on July 1, 2008 and ends on June 30, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable.

The grant allows a 0% rate for indirect costs, or \$0 which may be incurred by the Superintendent of Schools or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Superintendent of Schools 's composite indirect cost rate at 19.50%, or \$0. The non-recoverable indirect cost is \$2,554.89.

This one year grant from the Arizona Department of Education (ADE) will provide high quality professional development for membership schools in the consortium via a series of real-time Webinar trainings and to provide charter schools with state approved assessment materials for the identification of Gifted students. The grant allows for the purchase of manipulative supplemental materials for the classroom that are in accordance with ADE requirements for effective differentiate instruction. (C-37-09-012-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

16. NEW CHIEF DEPUTY SUPERINTENDENT OF SCHOOLS

Approve the hiring of Kristine K. Morris as the new Deputy Superintendent of Schools as recommended by Dr. Donald Covey at a salary of \$110,011.20 per year (\$52.98 per hour). This item was discussed in executive session on April 15, 2009. (C-37-09-018-9-00)

Supervisor Wilcox commented on the recent, very refreshing report given to Members by Dr. Covey and commended his new form of governing as Superintendent of Schools. She was joined in this by Supervisor Kunasek and Chairman Wilson who said the Board is looking forward to some pretty exciting things through this new environment.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

17. APPLY AND ACCEPT THE IDEA BASIC ENTITLEMENT GRANT

Approve the Application for and the acceptance of \$12,992.45 from the Arizona Department of Education (ADE) for the IDEA – Basic entitlement Grant Renewal which provides Special Education Classroom Materials and Services for Mobile Elementary School District #86 and Sentinel Elementary School District #71. The term of the contract will be twelve months, anticipated to begin July 1, 2008, through June 30, 2009. This grant is non-renewable.

MCSOS's indirect rate for FY 2008-09 is 19.50 percent. The restricted indirect cost rate allowed by this grant source is 0.00 percent. Recoverable indirect costs are \$0. The restricted indirect cost rate unallowable by this grant source is 19.50 percent. Unrecoverable indirect costs on this award are \$2,533.53.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law.

This one year grant from the Arizona Department of Education (ADE) is to provide Special Education Purchased Services in Speech and Language. It also provides for a part-time psychologist and his/her services. Further, this grant will provide Special Education Classroom Materials for Mobile Elementary School District #86 and Sentinel Elementary School District #71. (C-37-09-017-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

18. AMENDMENT TO IGA WITH THE ARIZONA SUPREME COURT THROUGH THE ADMINISTRATIVE OFFICE OF THE COURTS

Approve the amendment to Intergovernmental Agreement (IGA) #29882 dated April 24, 2008, between the Arizona Supreme Court (Court) through the Administrative Office of the Courts (AOC) and the Maricopa County Board of Supervisors (BOS) through the County School Superintendent (SOS) which defines the responsibilities of the parties in the development of education programs and the use of funds. The current amendment provides for funding for fiscal year 2009 in the amount of \$348,857.75 from the Department of Education (ADE) to Maricopa County Regional School District #509 sub-granted to the AOC, and this amendment redesignates the School Superintendent as the party authorized to enter into this IGA. The term of the IGA will be 12 months, anticipated to begin July 1, 2008, through June 30, 2009.

The Administrative Office of Courts (AOC), on behalf of the Superior Courts (Court) for all counties in Arizona and the superintendents of schools for each county, applied for and received \$1,690,813.48 as a sub-grant from the Arizona Department of Education (ADE). The AOC and the Court have the authority to enter into this IGA pursuant to Article VI, Section 3 of the Arizona Constitution; A.R.S. §11-952; A.R.S. §8-371; and A.R.S. §15-913. The Superintendent has the authority to enter into this IGA pursuant to A.R.S. §15-302. (C-37-09-016-M-00)

Motion to withdraw by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Treasurer

19. TERMINATION OF LEASE NO. L-7363

Terminate the Lease No. L-7363 for 4,860 square feet of warehouse space used by the Treasurer's Office located at 2095 B East Magnolia, Phoenix, AZ. at the end of the current fiscal year due to non-appropriation of funds and authorize Real Estate Services staff to give written notice of said lease termination to EastGroup Properties, L.P., a Delaware Limited Partnership, as Lessor. The termination date is June 30, 2009. (C-43-05-001-4-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

20. TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT SUMMARY REPORT

Pursuant to A.R.S. §11-501, accept the Treasurer's Statement of Collections and Investment summary reports for March 2009, as on file in the Clerk of the Board's office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-09-020-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

TRIAL COURTS

Superior Court Judges and Commissioners

Supervisor Kunasek commented that James Beene, formerly in charge of the appeals section of the County Attorney's Office, has just been appointed by Governor Brewer as a Superior Court Judge.

21. APPOINTMENT OF ATTORNEYS AS SUPERIOR COURT JUDGES PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of the attached list of attorneys as Superior Court Judges Pro Tempore. The attached list of attorneys would serve as Superior Court Judges Pro Tempore without any compensation. The appointment will be for the period commencing July 1, 2009 through June 30, 2010.

This serves the interests of judicial economy and promotes sound caseflow management. (C-80-09-007-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

22. APPOINTMENT OF MUNICIPAL COURT JUDGES AS SUPERIOR COURT JUDGES PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of the attached list of law-trained Municipal Court Judges as Superior Court Judges Pro Tempore for the Maricopa County Superior Court for the period commencing July 1, 2009 through June 30, 2010.

This serves the interests of judicial economy and promotes sound caseflow management. The attached list of Municipal Court Judges would serve as Superior Court Judges Pro Tempore without any compensation. (C-80-09-008-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

23. APPOINTMENT OF SUPERIOR COURT COMMISSIONERS AS SUPERIOR COURT JUDGES PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of the attached list of Court Commissioners as Superior Court Judges Pro Tempore. The appointment will be for the period commencing July 1, 2009 through June 30, 2010.

In order to obtain greater flexibility in the use of Court Commissioners, the Superior Court customarily has all Court Commissioners appointed as Superior Court Judges Pro Tempore so they may, on occasion, hear contested matters. This serves the interest of judicial economy and promotes sound caseflow management. The attached list of Court Commissioners would serve as Superior Court Judges Pro Tempore without any additional compensation other than that to which they are entitled as Court Commissioners. (C-80-09-009-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

24. APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of Superior Court Commissioner Monica Sheryl Garfinkel as Superior Court Judge Pro Tempore for the period commencing May 6, 2009 through June 30, 2009.

In order to obtain greater flexibility in the use of Court Commissioners, the Superior Court customarily has all Court Commissioners appointed as Superior Court Judges Pro Tempore so they may, on occasion, hear contested matters. This serves the interest of judicial economy and promotes sound caseload management. Superior Court Commissioner Garfinkel would serve as Superior Court Judge Pro Tempore without any additional compensation other than that to which she is entitled to as a Superior Court Commissioner. The appointment will be for the period commencing May 6, 2009 through June 30, 2009. (C-80-09-013-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

25. EXCEPTION TO TECHNOLOGY FINANCE PROGRAM FOR REFRESH PURCHASE OF SUPERIOR COURT E-COURTROOM DESKTOPS

Approve an exception to the Technology Finance Program (TFP) to allow the Superior Court to proceed with the purchase of e-courtroom computer equipment through a one-time expenditure from fund balance in the Superior Court Special Revenue Fund (259). Total cost estimated not to exceed \$105,000. In addition, pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$105,000 from Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to Superior Court (800) Superior Court Special Revenue Fund (259) Non-Recurring (0001). Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) by \$105,000.

Court Technology Services (CTS) requests approval to purchase 114 new e-courtroom desktops to replace PCs purchased between 2002 and 2005 inclusive. Nine of these "e-courtroom configured" desktops are needed immediately to complete new courtroom conversions now under construction. The Judicial Branch in Maricopa County is in the process of converting nine of its JAVS (Jefferson Audio Video Systems) e-courtrooms to the latest FTR (For the Record) hardware and software. All major purchases for this project have been procured and the funding for installation is approved. The final piece to complete this conversion is to replace the old desktops that operate the FTR software. A similar JAVS to FTR conversion was completed in the summer of 2008. Because there was a delay in replacing the existing desktops for this conversion, the old desktops were used to operate the new FTR software. There were constant problems with the system because of the inadequacies of the old PCs. These old PCs were six to seven years old. The new FTR software is very sophisticated software and requires more memory, disk capacity and speed than the old PCs can provide. Court reporting or court recordings are part of the Judicial Branch's core services. This service cannot be compromised. Problems with the automated recordings (e-courtroom) will either delay the court proceedings or require that a court reporter be called to manually record the trial or hearing. Either alternative will cost the court delays and more money. (C-80-09-012-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

COUNTY MANAGER

Communications

26. AMENDMENT TO EVENTS CENTER DONATION AGREEMENT

Approve Amendment No. 1 to a Revenue Agreement between Sundome Performing Arts Association and Maricopa County through the Events Center in the not-to-exceed amount of

\$2,059,000 plus interest. The purpose of this amendment is to return donated funds to the Sundome Performing Arts Association as the County is no longer in control of the Events Center that was returned to Arizona State University. This amendment is effective from date of Board approval. All other terms and conditions of the Revenue Agreement remain in full force and effect. (C-62-07-001-1-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

27. MARICOPA COUNTY EVENTS CENTER DONATIONS

Approve the return of approximately \$1,014,000 (principle plus interest) of funds that were donated for the purpose of stage house improvements at the Maricopa County Events Center. The stage house improvements were not made; the funds remain unexpended, and will be returned in accordance with the terms of the Donation Agreement. The Board of Supervisors approved the acceptance of these donated funds on May 16, 2007 (Agenda #C-62-07-002-1-00).

On May 16, 2007, the Board of Supervisors approved a Donation Agreement that provided dedicated funds for the purpose of stage house improvements at the Maricopa County Events Center (Agenda # C-62-07-002-1-00). In accordance with the agreement, these funds are being returned to the donor because the funds have not been used for their intended purpose, and the Maricopa County Events Center (formerly known as the Sundome Center for the Performing Arts) was returned to the Arizona Board of Regents in January 2009. These funds have been held in a separate interest bearing account and the return of the funds will have no impact on the General Fund. (C-71-09-005-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Crime Prevention - Meth Program

28. RENEWAL OF IGA WITH ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY FOR THE AARIN (ARIZONA ARRESTEE REPORTING INFORMATION NETWORK) PROJECT

Approve Renewal No. 3 of the Intergovernmental Agreement (C200701500) between Maricopa County and the Arizona Board of Regents for and on behalf of Arizona State University for the AARIN (Arizona Arrestee Reporting Information Network) Project. The purpose of this renewal is to provide funding in the amount not-to-exceed \$280,873 for the period of July 1, 2009 through June 30, 2010, subject to availability of funds. Approval of this IGA will allow the Arizona State University Center for Violence Prevention and Community Safety to continue gathering data from inmates during booking, providing the Maricopa County Criminal Justice System with crucial information for decision making. The term of this agreement shall commence July 1, 2009 and shall terminate on June 30, 2010. (C-20-07-015-0-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Office of the County Manager

29. REVISION TO POLICY A1513 FOR NON-PROFIT CORPORATIONS ECONOMIC DEVELOPMENT FUNDING

Approve Revision No. 1 to Administrative Policy A1513 for Non-Profit Corporations Economic Development Funding. These revisions include adding a provision that requires non-profit corporations seeking economic development funding to execute a written agreement with the County no later than November 30 of the funding year. With the approval of the Office of Management and Budget, the Contract Administrator will be allowed to waive this provision under exceptional circumstances. The policy revision will be effective July 1, 2009.

Policy A-1513 was adopted by the Board of Supervisors on June 18, 2008. The purpose of the policy is to define the procedures that non-profit corporations must follow when requesting economic development funding, and to define the contracting and contract monitoring processes. Inclusion of the deadline for contract execution will allow the Board of Supervisors to maintain greater control over the budget for economic development grants and ensure the Board receives timely information on the implementation of economic development activities. (C-20-09-047-6-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

30. ROAD FILE MATTERS

In accordance with the Board's action of December 23, 2008 (C-20-09-040-3-00) in which the Board reasserted its authority to direct and control all litigation in which Maricopa County is a party or has an interest, direct that in all "Road File" matters the General Litigation Department is hereby authorized to and shall initiate and prosecute any necessary actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase. This action applies to all active Road File cases and resolutions and supersedes any prior directives concerning Road File related condemnation actions, including those in which the County Attorney had previously been authorized to take those actions.

On March 16, 2009 (C-49-09-051-M-00) the Board of Supervisors approved the creation of a new department entitled General Litigation (Department 330). (C-20-09-050-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

DEPUTY COUNTY MANAGER

Employee Health Initiatives

31. ACCEPT DISTRIBUTION FROM SETTLEMENT

Accept the distribution of an additional \$14,410.08 pursuant to an agreement between the New York Attorney General and Unum Group concerning Unum's broker compensation

practices (backup file in the Office of Clerk of the Board of Supervisors). No further action is required pursuant to the settlement. (C-35-08-002-8-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Management and Budget

32. APPRAISER CAREER PATH PLAN

Pursuant to the Maricopa County Compensation Plan, authorize and approve the Appraiser Career Path Plan for positions within and subject to the appointing authority of the Maricopa County Assessor's Office. This career path plan replaces any existing appraiser career path plans for the respective office.

The Appraiser Career Path Plan authorizes the Assessor's Office to transfer positions from one Appraiser Market Range Title (MRT) to another Appraiser MRT (or within an Appraiser MRT) through a non-competitive progression as outlined in the career path plan. Movement among MRTs in the Appraiser series that are not identified in this document should be managed according to the County's standard recruitment and selection process.

Salaries for external candidates who are hired into positions within the Appraiser series will be determined using the County's placement in range strategy.

This career path plan will be fully funded within the Assessor's Office current budget this fiscal year and subsequent years. Any salary increase outlined in this plan is subject to the Assessor's Office having funding available. (C-49-09-053-6-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Office of Enterprise Technology

33. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM

Approve an exception to the Technology Finance Program (TFP) allowing OET to purchase five servers with required software and peripheral equipment outright with one-time FY 2008-09 savings in OET's operating budget. The cost is approximately \$182,000. The hardware and software will be used to replace systems currently hosting the Treasurer's primary applications and databases. (C-41-09-009-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Public Health

34. AMENDMENT TO IGA WITH GILBERT UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 4 to Intergovernmental Agreement (IGA) with Gilbert Unified School District to increase the contract by \$12,000 to provide school-based tobacco use

prevention and education services for the Maricopa County Department of Public Health for contract period ending May 1, 2009. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$128,500 for the contract term July 1, 2006 through May 1, 2009.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-07-419-2-04)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

35. GRANT FOR THE FIRST THINGS FIRST - ORAL HEALTH CENTRAL AND SOUTHEAST MARICOPA GRANT

Approve the grant application to Arizona Early Childhood Development and Health Board, First Things First (FTF-MULTI-10-0067-00) by the Department of Public Health for the First Things First's Oral Health grant for the Central and Southeast Maricopa Regional Partnership Councils. If awarded, the amount will not exceed \$542,700 for the budget term beginning September 1, 2009 through June 30, 2010. Funding amount is tentative pending the approved grant award upon acceptance by the First Things First designee. This contract can be renewed by First Things First on a year to year basis for a total two year and 10 month term.

Also, authorize the Chairman to sign all documents related to these grant funds, as applicable.

This grant deviates from County policy A2505 and does not allow for full indirect cost reimbursement, but a maximum of 10% indirect cost reimbursement. The Department of Public Health's indirect rate for FY 09-10 is 18%; therefore \$49,336 is allowable and \$39,469 is unallowable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation.

Funding for this grant will be provided by First Things First and will not affect the County general fund. (C-86-09-065-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

36. GRANT FOR THE FIRST THINGS FIRST - PRE AND POST NATAL OUTREACH FOR CENTRAL AND SOUTH PHOENIX GRANT

Approve the grant application to Arizona Early Childhood Development and Health Board, First Things First (FTF-MULTI-10-0072-00) by the Department of Public Health for the First Things First's Pre and Post Natal Outreach grant for the Central and South Phoenix Regional Partnership Councils. If awarded, the amount will not exceed \$819,500 for the budget term beginning September 1, 2009 through June 30, 2010. Funding amount is tentative pending the approved grant award upon acceptance by the First Things First designee. This contract can be renewed by First Things First on a year to year basis for a total two year and 10 month term.

Also, authorize the Chairman to sign all documents related to these grant funds, as applicable.

This grant deviates from County policy A2505 and does not allow for full indirect cost reimbursement, but a maximum of 10% indirect cost reimbursement. The Department of Public Health's indirect rate for FY 09-10 is 18%; therefore \$74,500 is allowable and \$59,600 is unallowable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funding for this grant will be provided by First Things First and will not affect the County general fund. (C-86-09-066-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

37. INCREASE IN EXPENDITURE AUTHORITY

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority, from Non Departmental (470) Non Departmental Grant Fund (249) Operating (0000) Reserved Contingency item "Potential Fee Increases" to Public Health (860) Public Health Fee Fund (265) Operating (0000).

This action will require an expenditure appropriation adjustment decreasing the FY 2008-2009 Non Departmental (470) Non Departmental Grant Fund (249) Operating (0000) expenditure budget by \$300,000 and increasing the FY 2008-2009 Public Health (860) Public Health Fee Fund (265) Operating (0000) expenditure budget by \$300,000.

Approval of this action will allow the utilization of the Department of Public Health's fee fund balance to support one time expenditure necessary to move telecommunication equipment and support the absorption of the cost of rental space located at 4041 N. Central Avenue in the amount of \$300,000. These adjustments will result in a County-wide net impact of zero. (C-86-09-068-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

38. AFFILIATION AGREEMENT WITH CREIGHTON ELEMENTARY DISTRICT #14 FOR CLINICAL NUTRITION TRAINING EXPERIENCE

Approve the Affiliation Agreement with the Creighton Elementary District #14 to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from July 1, 2009 through June 30, 2014. (C-86-09-069-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

39. GRANT AWARD FROM U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR HEALTHCARE FOR THE HOMELESS PROGRAM

Approve Amendment No. 20 to Notice of Grant Award (H80CS00044) from the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County by and through Department of Public Health, Healthcare for the

Homeless (HCH) Program to provide healthcare for homeless individuals. This amendment provides additional funds in the amount of \$1,189,011 bringing the total grant award amount to \$2,512,722 for budget period November 1, 2008 through October 31, 2009.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. This grant allows for indirect reimbursement at a rate of 15.397%. Total indirect expenses are estimated to be \$168,374 of which \$144,025 is recoverable and \$24,349 is not recoverable. Sub-recipient expenses in the amount of \$109,573 are not subject to indirect charges.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. (C-86-02-073-2-18)

Supervisor Wilcox asked if this item is part of the stimulus package and was told that it is not stimulus money but part of the regular grant received to help the homeless.
Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

40. DONATION FROM PETCO FOUNDATION

Accept the monetary donation from PETCO Foundation of San Diego, CA in the amount of \$2,954 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-091-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

41. DONATION FROM MADDIE'S FUND

Accept the monetary donation from Maddie's Fund of Alameda, CA in the amount of \$20,000 to be used for adoption initiatives to promote/increase adoptions. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-092-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

42. DONATION FROM FRIENDS OF ANIMAL CARE AND CONTROL

Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ to fund the Maricopa County Spay/Neuter Voucher Program in the amount of

\$91,470 and the Foster Program in the amount of \$3,888.55. The total donation received was in the amount of \$95,358.55 which supports one position in the Foster Program. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-095-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

43. AGREEMENT WITH FACCS - FRIENDS OF ANIMAL CARE & CONTROL FOR FUNDRAISING

Approve an Agreement between FACCs – Friends of Animal Care & Control, an Arizona corporation, hereby referred to as FACCs, and Maricopa County, in accordance to A.R.S. §11-251.62, for the purpose of fundraising on behalf of Maricopa County Animal Care & Control to support non-mandated services limited to low cost spay and neuter, public education and outreach efforts, pet adoption efforts, and capital improvement projects. Donations from FACC's for fourth quarter FY 2008-2009 are estimated at \$177,993. FY 2009-2010 donations are estimated to be \$453,936. Donation revenue received will be deposited to the Fund (573), Agency 791, Low Org. 7910 for future allocation. The term of the Agreement is for one year from the date of execution. (C-79-09-088-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

44. AMENDMENT TO IGA WITH CITY OF SCOTTSDALE

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C-79-08-012-0-00 between City of Scottsdale (2007-072-COS) and Maricopa County Animal Care and Control, for the purpose of reassigning a contract administrator for the City, extending the contract term two years, and the reduction of services provided and the costs associated with the services beginning fourth quarter FY2008-2009. This Amendment is effective from July 1, 2007 until June 30, 2012. (C-79-08-012-0-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

45. AGREEMENT WITH VALLEY DOGS FOR NEW HOPE PROGRAM

Approve an Agreement between Valley Dogs, a 501 (c) 3 corporation, P O Box 364, Gilbert, AZ 85299, and Maricopa County to allow Valley Dogs under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 25 new hope rescues over the term of the agreement, for a total of \$1,000. The term of this Agreement is from May 6, 2009 through June 30, 2010. (C-79-09-093-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson

Absent: Stapley, Brock

46. IGA WITH SAN LUCY DISTRICT FOR ANIMAL CONTROL FIELD SERVICES

Approve Intergovernmental Agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the San Lucy District, a political subdivision of the Tohono O'odham Nation, for Animal Control Field Services. The San Lucy District agrees to pay full cost recovery for field services for Fiscal Year 2009-2010 estimated to be \$6,300 based on historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for future years of this IGA, based on service levels. (C-79-09-094-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Community Development

47. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), & EMERGENCY SHELTER GRANT (ESG) ANNUAL ACTION PLANS

Approve the following actions regarding federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds. No General Funds will be involved in this action. There will be a 12.7% indirect cost allocation that is fully recoverable.

(1) ADOPT a Resolution for the submission of the FY2009-2010 Annual Action Plans, any plan amendments, and amendments to the FY2005-2009 Five-Year Consolidated Plans and Citizens Participation Plan; and acceptance of CDBG, HOME, and ESG funding for FY2009-2010 of \$6,914,018 (CDBG: \$2,425,840; HOME: \$4,391,657; and ESG: \$96,521.) NOTE: The ESG funds will be administered by the Maricopa County Human Services Department.

(2) APPROVE the Maricopa HOME Consortium and the Maricopa Urban County Annual Action Plans for July 1, 2009 through June 30, 2010. The Annual Action Plans (AAP) contains specific projects for funding to implement the FY2005-2009 Five-Year Consolidated Plan. FY2009-2010 is Year 5 of 5 under the Five-Year Consolidated Plan.

FUNDING SUMMARY TOTALS (SEE ATTACHMENT A)

1. Total Urban County CDBG Grant = \$2,425,840 (See Attachment A)
 - (a) Urban County CDBG Allocation = \$2,167,757
 - (b) Urban County CDBG Unprogrammed Funds = \$258,083
 2. Total HOME Consortium Grants = \$4,391,657
 - (a) Maricopa County Share HOME Funds = \$846,702 (See Attachment A)
 - (b) Urban County HOME Unprogrammed Funds = \$338,940
 - (c) Consortium City/Town Share HOME Funds = \$2,595,074 (See Attach B)
 - (d) Consortium CHDO Share HOME Funds = \$610,941 (See Attachment C)
 3. Total Urban County ESG Grant = \$96,521 (See Attachment A)
- TOTAL ALLOCATION = \$6,914,018

Subrecipient contracts will be submitted in subsequent agenda items. (C-17-09-051-G-00)

The Clerk announced this item had been withdrawn.

Human Services

48. AMENDMENT TO CONTRACT WITH TEMPE COMMUNITY ACTION INC TO OPERATE THE COMMUNITY ACTION PROGRAM IN TEMPE

Approve Amendment No. 2 between Tempe Community Action, Inc., a not-for-profit organization, and Maricopa County administered by its Human Services Department (C22-08-076-1-00) in the amount of \$211,554 for the contract period July 1, 2009 through June 30, 2010. This Contract is to exercise option year two (of 2 one-year options) to renew the contract for FY 2010, in accordance with Maricopa County Procurement Code Section MCI-309.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$211,554 and is not subject to indirect charges. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County, upon final approval of the County's FY 2010 budget, and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-076-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

49. AMENDMENT TO CONTRACT WITH COMMUNITY SERVICES OF ARIZONA INC TO OPERATE THE COMMUNITY ACTION PROGRAM IN CHANDLER

Approve Amendment No. 2 to the Contract between Community Services of Arizona, Inc., a not-for-profit organization, and Maricopa County administered by its Human Services Department (C22-08-073-1-00) in the amount of \$152,547 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$152,547 and is not subject to indirect charges. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County, upon final approval of the County's FY 2010 budget, and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-073-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

50. AMENDMENT TO CONTRACT WITH COMMUNITY SERVICES OF ARIZONA INC TO OPERATE THE COMMUNITY ACTION PROGRAM IN GILBERT

Approve Amendment No. 2 to the Contract between Community Services of Arizona, Inc. and Maricopa County administered by its Human Services Department (C-22-08-074-1-00) in the amount of \$100,944 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$100,944 and is not subject to indirect charges. The expenditures from this contract are

reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed agreement with DES for FY 2010, and Maricopa County, upon final approval of the County's FY 2010 budget, and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-074-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

51. TERMINATION OF IGA WITH ARIZONA DEPARTMENT OF VETERANS' SERVICES

Approve the termination of the Intergovernmental Agreement (IGA) between Arizona Department of Veterans' Services (ADVS) and Maricopa County administered by its Human Services Department (MCHSD). Pursuant to the General Terms and Conditions outlined in Exhibit 2 page 3 VI "Termination: Any Partner to this plan may withdraw from the Agreement with 60 days' prior written notice, showing reasons, to all other parties to the Agreement." ADVS has designated April 9, 2009 as the effective termination date of the IGA.

According to the Agreement's termination provision, wherein proper written notification was given, the Maricopa County Board of Supervisors accepts April 9, 2009 as the termination date for the Intergovernmental Agreement with Arizona Department of Veterans' Services (C-22-09-064-2).

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. MCHSD is in receipt of the notice by Arizona Department of Veterans' Services (ADVS) to withdraw from the IGA. (C-22-09-064-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

52. MEMORANDUM OF UNDERSTANDING WITH BUCKEYE OUTREACH FOR SOCIAL SERVICES

Approve the Memorandum of Understanding (MOU) between Buckeye Outreach for Social Services (BOSS) and Maricopa County administered by its Human Services Department to establish BOSS as an Access Point. This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011.

An Access Point is defined as a faith-based or community based organization that will provide community residents with a location where job seekers can access abbreviated One Stop Career Center services. (C-22-09-139-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

53. AMENDMENT TO IGA WITH DEPARTMENT OF ECONOMIC SECURITY REHABILITATION SERVICES ADMINISTRATION FOR SPECIAL TRANSPORTATION SERVICES

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) by and between Department of Economic Security Rehabilitation Services Administration and Maricopa County administered by its Human Services Department (HSD). This amendment will

include the addition of Human Services Department "-" inserted into the contractor name. The contract number changed from DE081238-001 to DE091179-001. Modify Section 16, Compliance with Non-Discrimination Laws through the addition of item 16.3. All other terms and conditions of the IGA remain in full force and effect. This amendment is in effect from the date of approval through June 30, 2009. (C-22-09-114-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

54. IGA WITH CITY OF TEMPE FOR SPECIAL TRANSPORTATION SERVICES

Approve an Intergovernmental Agreement (IGA) between The City of Tempe and Maricopa County Human Services Department (HSD), for the provision of Special Transportation Services (STS). This Agreement is effective from July 1, 2008 until June 30, 2009. This purpose of this Agreement is for the provision of van transportation to City of Tempe eligible residents for an amount not-to-exceed \$25,000. The transportation service will be provided to the City's elderly, disabled and low-income participants for travel throughout Maricopa County.

Reimbursement to HSD will be made on a per trip rate as detailed in the Agreement. The HSD FY 2008-09 indirect rate is 15.2%. Indirect expenses are fully recoverable and are estimated at \$3,800. Appropriation adjustment is not requested at this time as these funds are included in the 2008-09 Adopted Budget. (C-22-09-140-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

55. TERMINATION OF IGA WITH THE TOWN OF FOUNTAIN HILLS FOR SPECIAL TRANSPORTATION SERVICES

Approve the Termination of the Intergovernmental Agreement (IGA) with the Town of Fountain Hills and Maricopa County by and through the Department of Human Services for Special Transportation Services (STS). The effective date of termination for this IGA is June 30, 2009.

The Board of Supervisors directed the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A. (C-49-09-036-2-03). The anticipated reduction of \$503,403 in general funds for the Human Services Department would result in the elimination of the STS program for FY 2009-10.

Notification to terminate the IGA has been sent to the Town of Fountain Hills as required by the IGA, Section II - Term and Renewal Paragraph. (C-22-08-154-3-05)

Supervisor Wilcox expressed regret that these contract terminations were necessary because of the financial stress being experienced. She said this action highlights the need for a regional transportation agreement for special services. She added that this is "very territorial." Phoenix has their own system and Glendale has their own system. She believed a regional system that the smaller municipalities could enroll in for less cost would benefit all.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

56. TERMINATION OF IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR SPECIAL TRANSPORTATION SERVICES

Approve the Termination of the Intergovernmental Agreement (IGA) with the Arizona Department of Economic Security and Maricopa County by and through the Department of Human Services for Special Transportation Services (STS). The effective date of termination for this IGA is June 30, 2009.

The Board of Supervisors directed the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A. (C-49-09-036-2-03). The anticipated reduction of \$503,403 in general funds for the Human Services Department would result in the elimination of the STS program for FY 2009-10.

Notification to terminate the IGA has been sent to the Arizona Department of Economic Security as required by the IGA, Paragraph 25 - Termination. (C-22-09-114-3-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

57. TERMINATION OF AGREEMENT WITH MAXIMUS FOR SPECIAL TRANSPORTATION SERVICES WORKLINKS

Approve the Termination of the Agreement with MAXIMUS and Maricopa County by and through the Department of Human Services for Special Transportation Services (STS). The effective date of termination for this Agreement is June 30, 2009.

The Board of Supervisors directed the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A. (C-49-09-036-2-03). The anticipated reduction of \$503,403 in general funds for the Human Services Department would result in the elimination of the STS program for FY 2009-10.

Notification to terminate this Agreement will be sent to MAXIMUS as required by the Agreement. (C-22-09-138-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

58. AMENDMENT TO IGA WITH CITY OF GLENDALE FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAM

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) between the City of Glendale and Maricopa County administered by its Human Services Department (C22-08-070-2-00) in the amount of \$242,047 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$242,047. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2009-2010, and Maricopa County (upon final approval of the County's FY 2009-2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-070-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

59. AMENDMENT TO IGA WITH TOWN OF GILA BEND FOR OPERATION OF THE COMMUNITY ACTION PROGRAM

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) between the Town of Gila Bend and Maricopa County administered by its Human Services Department (C22-08-069-2-00) in the amount of \$79,613 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$79,613. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2009-2010, and Maricopa County (upon final approval of the County's FY 2009-2010 budget). And will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-069-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

60. AMENDMENT TO IGA WITH CITY OF TOLLESON FOR OPERATION OF THE COMMUNITY ACTION PROGRAM

Approve Amendment No. 2 to the Agreement between the City of Tolleson and Maricopa County administered by its Human Services Department (C-22-08-072-2-00) in the amount of \$86,727 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$86,727. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County (upon final approval of the County's FY 2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-072-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

CHIEF FINANCIAL OFFICER

Finance

61. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Materials Management

62. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. UNIFORM/CLOTHING RENTAL

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 06101-S

Item: Uniform/Clothing Rental (\$140,000) Increase price agreement value from \$150,000 to \$290,000. This \$140,000 increase is requested by Public Works for continued use of this garment rental agreement for their employees in lieu of direct purchase. This agreement was initially approved by the Materials Management Director on December 14, 2006 and has an expiration date of December 31, 2009.

Ameripride Uniforms (C-73-09-066-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

b. 09013-S, AUTO BODY REPAIR; CARS AND LIGHT TRUCKS (UP TO 1-TON)

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09013-S

Item: Auto Body Repair; Cars and Light Trucks (up to 1-ton) (\$876,000 estimate/three years until May 31, 2012, with three year renewal option) Price agreement for vehicle collision and accident repairs to cars and light trucks (up to 1-ton) owned by the County.

Five Star Ford-Collision
Ace Auto Collision (C-73-09-073-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

c. 08119-S, ELEVATOR SERVICE

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 08119-S

Item: Elevator Service (\$1,289,000 estimate/three years until May 31, 2012 with three one-year renewal options). Three year price agreement for comprehensive, full maintenance elevator service of all county elevators.

Kone Inc.
Schindler Elevator Corporation
Southwest Elevator Company
Thyssenkrupp Elevator (C-73-09-071-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

d. 08133-S, WASTE PUMPING SERVICES

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 08133-S

Item: Waste Pumping Services (\$270,000 estimate/three years Until May 31, 2012 with three one-year renewal options) Price agreement for pumping and waste disposal services at all Maricopa County sites.

PSC Industrial Outsourcing, LP (C-73-09-069-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

e. 09018-S, FIRE SUPPRESSION SYSTEMS (TEST, INSPECT AND REPAIR)

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09018-S

Item: Fire Suppression Systems (Test, Inspect And Repair) (\$390,000 estimate/three years until May 31, 2012 with three one-year renewal option) Three year price agreement for maintenance and repair of building fire suppression systems throughout Maricopa County.

RCI System, Inc. (C-73-09-070-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

f. 05055-RFP, INMATE EMPLOYMENT SKILLS BUILDING EDUCATIONAL SERVICES/WOW – MCSO

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)
Renewal/Extension Date: May 06, 2009

Serial: 05055-RFP

Item: Inmate Employment Skills Building Educational Services/WOW – MCSO (\$940,000 estimate/two years until August 31, 2011) Renewal of contract which provides inmate employment skills building educational services as requested by MCSO. Contractors have agreed to maintain pricing which was established in 2005. This contract is utilized by MCSO only.

Concepts for Change, Inc
Sage Counseling Inc (C-73-09-068-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

g. MISCELLANEOUS FOODS AND STAPLE GROCERY ITEMS

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)
Renewal/Extension Date: July 31, 2010

Serial: 08054-C

Item: Miscellaneous Foods and Staple Grocery Items (\$1,200,000 estimate/one year) Price Agreement renewal for miscellaneous foods and staple grocery items for MCSO Food Services.

All American Poly
Bakemark
Bernard Food Industries, Inc
Boritex Inc
Custom Food Service Inc
Epicurean Foods
JNS Foods LLC
Kellogg Supply Inc

Shamrock Foods
Us Foodservice (C-73-09-067-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Parks and Recreation

63. SOUVENIR FUND INCREASE REVENUE AND EXPENDITURE

Pursuant to A.R.S. §42-17106(B), approve the transfer of revenue and expenditure authority decreasing Non-Departmental (470) Non-Departmental General Grants Fund (249) Operating (0000) and increasing Parks and Recreation Department (300) Souvenir Fund (239) Operating (0000) in the amount of \$60,000.

The expenditure is not from the General Fund. It is anticipated that this adjustment will improve revenues to the Park Enhancement Fund to maintain service levels to the public. This adjustment will result in a countywide net impact of zero.

A.R.S. 11-941.B and D provide that a county, through its Board of Supervisors, may establish a county parks publication and souvenir revolving fund consisting of monies received from the sales of county parks oriented services, souvenirs, sundry items or informational publications that are uniquely prepared for use in county parks by the public.

During the past three fiscal years, the Parks and Recreation Department showed tremendous success in its ability to generate revenue through this fund. The department has encouraged this program and demand is increasing. Due to this increase in demand, Parks is requiring a larger inventory for the summer months at Lake Pleasant Regional Park. The FY 2008-2009 revenue and expenditure projections exceed the budget by \$60,000. (C-30-09-024-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

64. AMENDMENT TO USE MANAGEMENT AGREEMENT WITH FORT ADOBE PAINTBALL COMPLEX, LLC

Approve Amendment No. 4 to the Use Management Agreement between Maricopa County and Fort Adobe Paintball Complex, LLC (C-30-07-028-1-00) entered into April 18, 2007, in order to insert a legal description for the Concession Site and to amend the Fee Payment Schedule due to delays in permitting and construction not the fault of the Fort Adobe Paintball Complex, LLC. Total term of the Agreement is April 18, 2007 through December 31, 2016 with two five-year renewal options remaining. The effective date of this Amendment Four is the date of Board approval. There is no financial impact. (C-30-09-025-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

65. AMENDMENT TO MANAGEMENT AGREEMENT WITH KIWANIS CLUB OF NEW RIVER

Approve Amendment No. 3 (C-30-05-052-0-02) to the Management Agreement (C-30-05-

052-0-00) between Maricopa County and the Kiwanis Club of New River entered into April 4, 1988, in order to execute the remaining 20 year renewal option so that the term of the Agreement will be from April 4, 1988 through April 3, 2028, with no renewal options remaining. There is no financial impact. This action also corrects the name from New River Community Park to Kiwanis Club of New River. (C-30-09-026-3-00)

Supervisor Kunasek said the Kiwanis Club of New River has done a marvelous job of running this 80-acre park for the past 20 years, adding this park probably has the best view of any park in the Valley. The Kiwanis Club has added many improvements without benefit of taxpayer monies. He invited residents to drive out to watch a ball game or have lunch at the Senior Center and enjoy the facilities.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Air Quality Department

66. AMENDMENT TO CONTRACT WITH ADEQ FOR VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM

Approve Amendment No. 4 to a Contract between Arizona Department of Environmental Quality and Maricopa County through the Air Quality Department in the not-to-exceed amount of \$688,700 for FY 2008-09 for the Voluntary Vehicle Repair and Retrofit Program (VVRP). This amendment is funded by a grant from Arizona Department of Environmental Quality, EV06-0008. The purpose of this amendment is to reduce the amount of the award by \$36,300. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the Contract remain in full force and effect.

The Department's FY 2008-09 authorized indirect cost rate is 17.3%. All indirect costs are allowable and fully recoverable. (C-85-06-029-3-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Emergency Management

67. PLANNING/COMMUNICATIONS MANAGER EMERGENCY MANAGEMENT POSITION REQUEST

Approve the creation of an Unclassified position (Planning/Communications Manager) in the Emergency Management Department. This position request is necessary due to the fact that the current Planning Supervisor is participating in the new Post Employment Health Enhancement (Retirement) Program (PEHEP) which requires that the current position (#326) be eliminated. Creation of this position is necessary because the department needs a Communications Manager and is reorganizing to combine the functions of the Planning Supervisor with the Communications Manager.

Approve an exemption to the PEHEP in order to recruit for the newly created Unclassified Planning/Communications Manager position with the range of \$31.00/Hour to \$37.78/Hour.

Position #326, in the Emergency Management Department, is being inactivated due to the previous incumbent's participation in the 2009 Retirement Health Enhancement Program. This position's current attributes are as follows:

MRT: Planning Supervisor
Status: Unclassified
Budgeted Rate: \$33.60

Due to the reorganization, a Planning/Communications Manager is necessary. The Emergency Management Department feels it necessary to replace position #326 with a new position. The new position's attributes will be as follows:

MRT: Planning Supervisor
Status: Unclassified
Budgeted Rate: \$37.78

Due to the impending retirement of a Planning Supervisor (#326), the department will eliminate a vacant Planner position (#15271) and will reorganize with the creation of a Planning/Communications Manager position. This will result in achieving at least \$6,989 in savings as required under the 2009 Retirement Health Enhancement Program. Since Emergency Management has already achieved \$120,310 in budgetary reductions between the General Fund and the Emergency Management Fund for FY 2010, no further reductions are required at this time. (C-15-09-020-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Environmental Services

68. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES REGARDING THE SMOKE FREE ARIZONA ACT

Approve Amendment No. 3 to an Intergovernmental Agreement between Arizona Department of Health Services (HG752215-3) and Maricopa County through the Environmental Services Department in the not-to-exceed amount of \$900,000 for delegated duties from ADHS to implement education and report compliance of Proposition 201 Smoke-Free-Arizona Act. . The purpose of this amendment is to replace the Price Sheet of Amendment No. 2, Page Three by the revised Price Sheet, Amendment Three , Page Three to add a note to read, "If the Contractor has unused funds from the previous quarters the Contractor shall carry forward the funds to the following quarters up to the term of the budget period"; to change the Type of Unit, Line Two to read, "Estimated quarterly amount" and to change Line Three to read, "Not to exceed Annual Total". This amendment is effective from March 25, 2009 to June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. (C-88-08-011-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

69. SECOND RIDER AND AMENDMENT TO CONTRACT WITH PARSONS COMMERCIAL TECHNOLOGY GROUP INC. REGARDING CCIP

Approve Second Rider and Amendment to the Program Management Services Contract between Parsons Commercial Technology Group Inc. and Maricopa County through the Facilities Management Department. The purpose of this amendment is to reflect changes in Contract Requirements and General Condition documents regarding use of a Contractor Controlled Insurance Program (CCIP) instead of an Owner Controlled Insurance Program (OCIP). This amendment is effective from March 11, 2009 to February 29, 2012. All other terms and conditions of the Contract remain in full force and effect.

The Second Rider and Amendment to January 4, 2008 Program Management Services Contract between Maricopa County and Parsons Commercial Technology Group Inc. regarding CCIP" updates the Contract Requirements and General Conditions (attached as Exhibits A & B in the December 17, 2008 amendment). The Contract for the design of the Court Tower Facility (3325-07-380), dated November 20, 2007, was approved by the Board of Supervisors on September 19, 2007. This project is located in District 5. (C-70-08-024-5-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

70. SECOND RIDER AND AMENDMENT TO CONTRACT WITH GOULD EVANS ASSOCIATES, P.C. REGARDING CCIP

Approve Second Rider and Amendment to the Design Professional Services Contract between Gould Evans Associates, P.C. and Maricopa County through the Facilities Management Department. The purpose of this amendment is to reflect changes in Contract Requirements and General Condition documents regarding use of a Contractor Controlled Insurance Program (CCIP) instead of an Owner Controlled Insurance Program (OCIP). This amendment is effective from March 11, 2009 to February 29, 2012. All other terms and conditions of the Contract remain in full force and effect.

The Second Rider and Amendment to November 20, 2007, Design Professional Services Contract between Maricopa County and Gould Evans Associates, P.C. regarding CCIP updates the Contract Requirements and General Conditions (attached as Exhibits A & B in the November 20, 2007 contract). The Court Tower Facility project (3325-07-380) is located in District 5. (C-70-07-054-5-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Public Works

71. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-405-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

72. BUDGET ADJUSTMENT FISCAL YEAR 2009-2013

Pursuant to A.R.S. 42-17106 (B), approve an amendment to the current FY2009-2013 five-year Transportation Improvement Program (TIP) in the Public Works (910) Department of Transportation Capital Projects Fund (234), Year 1 (FY 2008-09) by decreasing the capital budgets for the following project:

Project Partnership (PSUP) Bin, Job Number T201, Riggs Road: Gilbert Road to Val Vista Drive capital budget by \$2,000,000.

And, adjusting the following projects by increasing the FY2008-2009 (Year 1) capital budget for:

Project MAG ALCP (ALCP) Bin, Job Number T090, Power Road: Guadalupe Road to Baseline Road capital budget by \$1,350,000.

Project Pavement Preservation (PAVE) Bin, Job Number T309, Asphalt-Rubber Overlay Plan B capital budget by \$450,000.

Project Planning (TPLN) Bin, Job Number T005, Candidate Assessment Reports, capital budget by \$200,000.

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero.

For fiscal year 2008/2009, the Board of Supervisors authorized the Maricopa County Department of Transportation (TIP) budget of \$104,677,000. The amount covered 12 individual projects. A condition was placed on movement of budgeted funds between projects, namely to seek Board approval of transfers.

Project Partnership (PSUP) Bin, Job Number T201, Riggs Road: Gilbert Road to Val Vista Drive, is an IGA payment to the City of Chandler for \$6,700,000. Construction bids are less than programmed and MCDOT's share has been reduced to \$4,500,000, making \$2,200,000 available to balance projects within the TIP budget.

Project MAG ALCP (ALCP) Bin, Job Number T090, Power Road: Guadalupe Road to Baseline Road has completed construction, the \$1,350,000 is needed to cover approved construction change orders.

Project Pavement Preservation (PAVE) Bin, Job Number T309, Asphalt-Rubber Overlay Plan B, the \$450,000 is needed to cover the construction bid which came in over the programmed amount for the project.

Project Planning (TPLN) Bin, Job Number T005, Candidate Assessment Reports, has a present balance of \$75,296, with only one job number in the bin, wish to move \$200,000 to assist in covering expenses in the 4th quarter of the budget year. These projects are located in Supervisory Districts 1, 2, 3, 4, and 5 (C-91-09-162-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson

Absent: Stapley, Brock

73. CONTRACT WITH KIMLEY-HORN AND ASSOCIATES ON HIDDEN WATERS PARKWAY CORRIDOR FEASIBILITY STUDY - WATERMELON ROAD TO INTERSTATE 10

Approve Contract No. 2008-046, with Kimley-Horn and Associates for Maricopa County Department of Transportation, Transportation Planning (TPLN) project , Job Number T005 , Hidden Waters Parkway Corridor Feasibility Study – Watermelon Road to Interstate 10, for up to a sum of \$497,056. The Contract completion date shall be 420 days after the Notice to Proceed has been issued.

Expenditures for FY 2009-10 are contingent upon the Board of Supervisors approving the recommended FY 2009-10 budget.

Maricopa County will provide a Corridor Feasibility Study based upon the MAG Interstate 10/Hassayampa Valley Roadway and I-8/I-10 Hidden Valley Transportation Framework Studies that indicated the need to include a system of Arizona Parkways in the long range transportation network to meet the future travel demand for the build out area southwest of I-10/north of I-8. A corridor generally following the Old US 80 alignment, identified as Hidden Waters Parkway, is one of the corridors recommended in the I-8/I-10 Hidden Valley Framework Study as necessitating a higher capacity parkway cross-section.

For the proposed project, Kimley-Horn and Associates shall prepare a Corridor Feasibility Study for approximately 38 miles of the proposed Hidden Waters Parkway. This study shall include evaluation of the study area, conceptual alternative alignments, preferred logical alignment and footprint and definitions of the characteristics of the preferred alignment in enough detail to minimize potential fatal flaws. This corridor feasibility study is the first step in providing governing bodies defensible information required for the preservation of a continuous corridor right-of-way as development encroaches to the northwestern Maricopa County. Supervisory Districts 4 and 5. (C-91-09-163-5-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

74. JOB ORDER CONTRACT WITH ARIZONA HIGHWAY SAFETY SPECIALISTS, INC.

Approve Job Order Contract No. 2008-020 between Maricopa County Department of Transportation and Arizona Highway Safety Specialists, Inc. for Guardrail Services, Fiscal Year 2010. This contract shall be effective for a period of one year from the Board of Supervisors award date. The Contractor shall be paid a fee not-to-exceed \$3,000,000 per year. Market escalations in material costs may be negotiated upon written request from the Contractor or Maricopa County Department of Transportation. Expenditures for FY 2009-10 are contingent upon the Board approving the recommended FY 2009-10 budget.

This work shall include, but not be limited to, supplying all labor, material, equipment, and traffic control for Guardrail installation (new and replacement). Supervisory Districts 1, 2, 3, 4, and 5 (C-91-09-164-5-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

75. AMENDMENT TO TRADE-IN OF A USED CATERPILLAR MOTOR GRADER

Approve the trade-in of one used Caterpillar, 140 H.P. Motor Grader, County Asset # M0300034 (2003 ser. APM00511), on the purchase of one new Caterpillar 160 H.P. Motor Grader from Empire Machinery on Serial 09022-C. The Price Agreement was established by Materials Management Department on April 9, 2009 for the purpose of purchasing a new motor grader for Maricopa County Department of Transportation (MCDOT). The purchase price of the new 160 H.P. Motor Grader is \$269,116. With the trade-in credit of \$141,000 the net cost to the County is \$128,116.

Approval to trade-in the Caterpillar 140 H.P. Motor Grader #34 will partially offset the cost of the new 160 H.P. Caterpillar Motor Grader. Materials Management Department established a Contract, Serial 09022-C, for the purpose of purchasing the new Motor Grader. The Life-Cycle for the one new motor grader will be three years or 7000 hours and will be used by MCDOT during that time for the construction and roadway maintenance operations. The total price for the new Motor Grader less the trade-in credit is \$128,116. This purchase is budgeted in the FY2008-09 budget. (C-91-09-059-M-01)

John Cheney, voiced an objection to the bid award to Empire Machinery, a competitor and fellow bidder for this item. He felt his company was more responsible and was the actual low bidder when all the bid aspects were taken into account in the calculation.

Supervisor Wilcox said the County Materials Management Department has a process for appeal and asked Mr. Cheney if he had appealed this decision. He had not.

Wes Baysinger, Director, Materials Manager, affirmed the appeal process in the procurement code. He offered to meet with Mr. Cheney to explain the appeal process to him. If this item is approved today and merit is found in appeal, Materials Management would process a request to the Board to withdraw the approval.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

76. ANNEXATION (RIGHT OF WAY) CITY OF PHOENIX

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Phoenix of County right-of-way within: 43rd Avenue and Southern Avenue, in accordance with Phoenix Ordinance No. S-35968. (Supervisor District No. 5) (C-91-09-166-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

77. CHANGE ORDER WITH JACOBS ENGINEERING GROUP (FORMERLY CARTER & BURGESS)

Approve Change Order No. 4 with Jacobs Engineering Group (formerly Carter & Burgess) Contract 2005-070 in the amount of \$1,305,883.31 for a revised total contract amount of \$2,034,796.80. The purpose of the this Change Order is to increase the contract amount by an additional \$1,305,883.31 and a time extension of 500 days through June 30, 2010 to perform roadway and drainage design services for the above referenced project in compliance with the terms of the proposed IGA with City of Phoenix.

The FY10 budget for County Arterials (ARTS) Project, Job No. T113, MC 85: 91st Avenue to 75th Avenue, will be adjusted next fiscal year after the budget is adopted. Approval of this agenda item is contingent upon the Board adopting the FY10 budget.

This project was previously designed to 70% level using County design standards for roadway geometrics and drainage design requirements. Per the proposed IGA with City of Phoenix (COP Approved-Final, BOS Approval-Pending), the design will need to be revised to meet COP requirements, and to improve coordination of required capital improvements provided by fronting developments. Per proposed IGA, COP will annex roadway upon completion of the reconstruction. Deliverables of this contract modification is a revised and an updated preliminary plans and final drainage design that are an integral part of a project scoping document. Supervisory District No. 5. (C-64-06-176-5-01)

The Clerk announced that this item had been withdrawn.

78. CONTRACT WITH T.Y. LIN INTERNATIONAL FOR DESIGN CONCEPT REPORT AND ENVIRONMENTAL ASSESSMENT OF MERIDIAN ROAD

Approve Contract No. 2008-048 with T.Y. Lin International in the amount of \$998,027.35 for Maricopa County Department of Transportation Partnership Support (PSUP) Project, Job Number T275, Design Concept Report and Environmental Assessment of Meridian Road from Empire Boulevard to Germann Road. The Contract Completion date shall be 300 days after the Notice to Proceed has been issued.

The project budget for FY 2009-10 will be adjusted next fiscal year after the budget is adopted. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2009-10 budget.

The purpose of this scoping/DCR is to provide the necessary information for a comparative evaluation of alternatives and ultimately a coordination document to guide design and construction of future improvements. The study is scheduled to begin in Spring 2009 and the County will act as lead agency.

On February 25, 2009, the Board approved the Intergovernmental Agreement (IGA) among Maricopa County, acting through the Maricopa County Department of Transportation (Maricopa County), the Town of Queen Creek (Town) and the County of Pinal, acting through the Pinal County Department of Public Works (Pinal County) for the scoping/design concept report (DCR) of Meridian Road from Empire Boulevard to Ocotillo Road (Agenda Item Number C-91-09-115-M-00). The estimated cost for the Partnership Support (PSUP) Project, Job Number T275, is \$1 million. The Town and Pinal County will each contribute \$200,000 towards the completion of the study. Maricopa County is responsible for 100% of remaining cost of the project. Maricopa County's total estimated contribution to this DCR is \$600,000. Any additional cost incurred by Maricopa County over and above the equivalent partner contribution shall be credited towards its share of future costs when the project proceeds to a subsequent stage of development. Supervisory District No. 1 (C-91-09-171-5-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

BOARD OF SUPERVISORS

Clerk of the Board

79. REAPPOINTMENTS TO THE CITIZEN'S AUDIT ADVISORY COMMITTEE

Approve the reappointments of Ryan Brownsberger, as nominated by Supervisorial District 4, and Ralph Lamoreaux, as nominated by Supervisorial District 1 to the Citizen's Audit Advisory Committee. The term of the appointments will be effective as of June 1, 2009 through May 31, 2011. (C-06-09-387-9-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Superior Court Judges and Commissioners

80. PARENTING CONFERENCE FEE ADJUSTMENT

Pursuant to A.R.S. §11-251.08, set a public hearing for June 3, 2009 to authorize and approve the Superior Court in Maricopa County to increase the Parenting Conference fee.

The proposed increase will raise the cost of a parenting conference to \$300.00 per party, an increase of \$100.00 over the existing fee. The additional monies will be attributable to and cover the expense of providing the service for which the fee is assessed. This fee increase will not exceed the actual cost of the product or service being provided.

The higher fee will offset increasing costs associated with parenting conferences. Authority for this request is based on A.R.S. 11-251.08. Parenting conferences address a vital component of any family relationship and the ongoing dynamic between the parents when dealing with their child(ren)'s issues and needs. Starting in FY2010, the Court will enter into a new venture to contract these services with outside providers and as a result, the anticipated cost will be higher to secure qualified vendors and to maintain a sufficient level of staff support and contract management. Monies collected are intended for use to offset the material, labor, equipment, and personnel expenses of providing parenting conferences. The fees are deposited by the Clerk of the Court into the General Fund (100) with the Maricopa County Treasurer. Parties will be permitted to request a waiver or deferral of fees using the process that is established and no party will be precluded from pursuing relief solely due to inability to pay these costs. Upon Board approval, the effective date for the new fee will be July 1, 2009.

A large number of cases in Family Court seek relief for parenting time arrangements and decisions on child custody matters. The purpose of the non-confidential Parenting Conference is to assist the Court in determining the best interests of the child(ren) by providing information, frequently including recommendations, with respect to the children's residential arrangements, the amount of time they spend with each parent, and how the parents might assume decision-making responsibility for their children.

Conciliation Services is projecting 2,149 Parenting Conferences requested or ordered by the Court and completed by members of Conciliation Services in FY2010. Although all parties are required to pay a filing or response fee, these costs were never designed to support the level of services now offered by Conciliation Services. Parenting conferences average one hour of administrative support staff time, three hours of client interview session and five

hours of report drafting and preparation prior to submission to the parties, counsel and the court for approval. Upon Board approval, the costs will be assessed to each party or other apportionment as ordered by the Court. (C-80-09-010-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

81. ESTABLISHMENT OF A NEW MINUTE ENTRY DISTRIBUTION FEE

Pursuant to A.R.S. §11-251.08, set a public hearing for June 3, 2009, to solicit comments and consider the adoption of a new Minute Entry Distribution Fee of \$1.00 to be assessed on each mailing of paper minute entry documents to attorneys endorsed on those minute entries. The proposed fee proceeds will be collected and deposited by the Clerk of the Superior Court (160) in the General Fund (100) with the Maricopa County Treasurer for disbursement by the Clerk of the Superior Court. Monies collected will be used to offset the costs of the mailing of paper minute entry documents to attorneys. Upon Board approval, this item will become effective July 1, 2009.

On January 8, 2009, the Supreme Court issued Administrative Order 2009-01 to address budget reductions in the Judicial Branch of Arizona. As part of that order, Clerks of the Superior Court throughout the state were authorized to distribute minute entries electronically via e-mail if local court technology capabilities permit doing so. Further, approval was given for each superior court presiding judge and clerk of the superior court to request the Board of Supervisors of their respective counties to establish a fee pursuant to the provisions of A.R.S. § 11-215.08 to recover paper minute entry preparation and mailing costs. Attorneys choosing to receive paper copies of minute entries may do so upon paying the Minute Entry Distribution fee established by the Board of Supervisors. The Minute Entry Distribution fee will recover costs associated with the mailing of minute entries to attorneys in all case types. Attorneys have the option of receiving minute entries by email to avoid the Minute Entry Distribution fee and to receive the documents in a more timely fashion. (C-16-09-005-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Planning and Development

82. MARICOPA COUNTY DRAINAGE REGULATIONS FEE SCHEDULE REVISION

Pursuant to A.R.S. § 11-251.08, set a public hearing for June 3, 2009, to solicit comments and consider the adoption of TA2008011, a proposal to amend the Fee Schedule for the Drainage Regulations of Maricopa County. The amended Drainage Regulation Fee Schedule is to be effective upon Board approval.

This amendment is to modify the existing fee structure to reflect current business practices and allow for recovery of fees for services.

An analysis of the cost for providing drainage has revealed that the current fee schedule does not allow for cost recovery of services rendered and that all fee categories for services are not provided under the Drainage Regulations.

A comparative analysis revealed that the proposed fees and categories are similar when benchmarked against other jurisdictions. (C-44-09-127-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

Public Works

- 83.** Set a public hearing to declare the following roads into the county highway system for 9:00 .m., Wednesday, June 3, 2009.

a. ROAD FILE NO. A413

Adopt a Resolution to set a hearing on Road File No. A413, Said roadway alignments also known as Ellsworth Road from Hunt Highway to Cloud Road, San Tan Boulevard from 2,120 feet west of Ellsworth Road to Ellsworth Road and Riggs Road from 1,625 feet west of Ellsworth Road to Ellsworth Road, all lying in Supervisor District 1. (C-91-09-165-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

CONSENT AGENDA

Clerk of the Board

84. ANNUAL REPORT FROM PUBLIC DEFENDER

Pursuant to A.R.S. §11-584(A)(2), accept the FY 2007-08 annual report from the Maricopa County Public Defender's Office of all the services rendered by the public defender in that capacity. A copy of the report is on file in the Clerk of the Board's Office and retained in accordance with the ASLAPR approved Retention Schedule. (C-06-09-402-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

85. APPOINTMENTS

Approve the Official Appointment of Constance Copeland as Deputy Clerk of the Board. (C-06-09-396-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

86. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-397-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

87. MARKET RANGES

Pursuant to A.R.S. §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-395-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

88. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-403-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

89. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-398-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

90. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated May 6, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-399-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

91. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-400-7-00)

The Clerk noted that MSA Solutions (902-33-076) should be deleted, the rest of the abatements will move forward.
Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors of various special districts.

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, May 06, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1; Don Stapley, Vice Chairman, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-404-7-00)

Motion to approve by: Director Kunasek, Seconded by: Director Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

F-2. SMALL PROJECT ASSISTANCE PROGRAM

Adopt Resolution FCD 2009R003 and implement the Small Project Assistance Program (Program [#699]). The Resolution authorizes and directs the Chief Engineer and General Manager of the District to: (1) evaluate and prioritize local flood control projects, submitted by municipalities of Maricopa County, in accordance with the Program; (2) include funds in the District's current and future Five-Year Capital Improvement Programs to pay for the District's share of projects recommended by the Program, not to exceed \$2,000,000 per fiscal year, during Fiscal Year 2010/2011 and Fiscal Year 2011/2012, subject to the ratification and approval of this Board; (3) prepare Intergovernmental Agreements with individual municipalities of Maricopa County, as necessary, and in accordance with the requirements of the Program, for the coordination and cost sharing of construction of projects submitted to the Program, in order of objective score, based on funding availability, limiting District contributions to seventy-five percent (75%) of project construction costs, not to exceed \$250,000 per project, subject to the ratification and approval of this Board; (4) review and update the scoring criteria, scoring matrix and administrative requirements of the Program as necessary; and (5) monitor the trial implementation of the Program and recommend extended funding authorization, if appropriate, through amendment to this Resolution.

District staff recognizes a demand for capital projects mitigating historic flooding hazards impacting developed areas. Flooding hazards of this nature may demand local solutions, where regional structures are impractical or cost-prohibitive. The District's existing procedure for evaluating capital projects – the Prioritization Procedure – is structured to evaluate projects that are regional in nature and is not suitable for effectively evaluating local projects. The Small Project Assistance Program provides an objective method of evaluating local flood hazard mitigation projects - prioritizing small projects mitigating historic flooding hazards - and provides an efficient mechanism to contribute District staff and funding resources in a limited manner. This item impacts Supervisory Districts 1,2,3,4,and 5. (C-69-09-062-6-00)

Motion to approve by: Director Kunasek, Seconded by: Director Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

F-3. IGA FOR NORTHERN AVENUE STORM DRAIN - 47TH AVENUE TO 63RD AVENUE

Approve Intergovernmental Agreement (IGA) FCD 2009A004 for the Northern Avenue Storm Drain from 47th Avenue to 63rd Avenue (Project [#450]) between the City of Glendale (City) and the Flood Control District of Maricopa County (District). This IGA is for cost sharing of the Project, construction, construction management and operations and maintenance. The estimated total Project cost is \$14,000,000 and will be shared equally by the City and the District with the District's share limited to \$7,000,000. The IGA shall become effective when recorded at the office of the County Recorder and shall expire 10 years from the date of recording or upon Project completion, whichever comes first.

The District, in cooperation with the City of Glendale, completed an Area Drainage Master Study in 1987 for portions of Cities of Glendale and Peoria and developed the Glendale/Peoria Area Drainage Master Plan (ADMP). The ADMP included storm drains and detention basins along Northern Avenue to mitigate flooding. This Agenda Item impacts Supervisor District 4. (C-69-09-063-3-00)

Motion to approve by: Director Kunasek, Seconded by: Director Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

F-4. SETTLEMENT OF HERBERT E. DREISESZUN ET AL V. VULCAN MATERIALS COMPANY CALMAT COMPANY CV 2002-014968

Authorize settlement of Herbert E. Dreiseszun et al, v. Vulcan Materials Company, Caltmat Company, and Flood Control District of Maricopa County, CV2002-014968, based on an agreement with Plaintiffs that the Flood Control District will forego its costs in the matter, with the exception of \$10,094.50, which sum shall be paid to the Flood Control District by the Plaintiffs, with the stipulation that the matter be dismissed in its entirety, including all appeals, with both parties to pay all their own remaining costs, expert fees, and attorney's fees, as discussed in Executive Session on April 13, 2009. (C-19-09-047-M-00)

Motion to approve by: Director Kunasek, Seconded by: Director Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

F-5. AIR QUALITY VIOLATION PAYMENT APPROVAL AND SIGNATURE AUTHORITY AUTHORIZATION

Authorize the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) signature authority and to issue payment in the not-to-exceed amount of \$2,640 to the Maricopa County Department of Air Quality as outlined in the Notice of Violation # 721517 issued to the District on April 6, 2009.

Further authorize the Chief Engineer and General Manager of the District signature authority and authorization to issue payments for Notice of Violations issued by the Maricopa County Department of Air Quality. With this signature authority the District will be able to take advantage of the 15% cost savings by expediting the payment within the time frame set by the Maricopa County Department of Air Quality.

On September 24, 2008, Maricopa County Air Quality Department issued a Notice of Violation #721517, pursuant to Maricopa County Air Pollution Control Regulation Rule 310 §304.3, for failure to comply with the stabilization requirements for Disturbed Surface Areas to the Flood Control District of Maricopa County. By authorizing the Chief Engineer and General Manager to sign and issue payment on the Notice of Violation the District will receive the 15% discount. (C-69-09-064-M-00)

Motion to approve by: Director Kunasek, Seconded by: Director Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, May 06, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1; Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. AGREEMENT WITH GRAND CANYON UNIVERSITY FOR COMPUTERIZED CATALOG SYSTEM AND SPECIALIZED SOFTWARE

Approve an Agreement between Grand Canyon University and Maricopa County through the Library District, in the not-to-exceed amount of \$24,800. The purpose of this Agreement is to allow the District to provide Grand Canyon University staff and students access to the District's computerized catalog system and specialized software. This Agreement is effective from January 1, 2009 until December 31, 2009.

Approval of this Agreement will allow the University to access the District's automation services using GIS/Polaris. District software is capable of hosting multiple libraries and provides the same service to the Maricopa County Health Care System Library. The District has been working with the University since 1996. The approval of this item will require 1) increasing the Library District property tax rate in order to keep the levy at a level to cover the additional expense associated with this action, 2) a reduction in expenditures which may result in a reduction in service delivery, or 3) a combination of both. (C-65-09-013-3-00)

Motion to approve by: Director Wilcox, Seconded by: Director Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

L-2. BUDGET INCREASE TO CONVERT THE MESA PUBLIC LIBRARIES TO POLARIS AUTOMATION SYSTEM

Authorize an increase to the FY 2008-09 Library District (650) Library District Fund (244) Non-Recurring/Non-Project (0001) expenditure budget in the amount of \$252,650 to convert the Mesa Public Libraries from their current Library Automation System to the Polaris Automation System. The conversion was negotiated two years ago and is now ready for implementation. This is in conjunction with the Library District's "Plan of Service" approved by the Library District Board of Directors on May 2, 2007 (C-65-07-033-M).

The \$252,650 is the necessary funding for the one-time implementation of the Polaris Automation System in Mesa's Libraries. Future recurring maintenance charges will be included in the Library District FY 200910 and future budget requests. These adjustments result in a net impact of zero and do not change the duly adopted budget as approved by the Board of Directors.

Authorize an increase to the FY 2008-09 Library District (650) Library District Fund (244) Non-Recurring/Non-Project (0001) expenditure budget in the amount of \$252,650 to convert the Mesa Public Libraries from their current Library Automation System to the Polaris Automation System. The conversion was negotiated two years ago and is now ready for implementation. This is in conjunction with the Library District's "Plan of Service" approved by the Library District Board of Directors on May 2, 2007 (C-65-07-033-M).

The \$252,650 is the necessary funding for the one-time implementation of the Polaris Automation System in Mesa's Libraries. Future recurring maintenance charges will be included in the Library District FY 200910 and future budget requests. These adjustments result in a net impact of zero and do not change the duly adopted budget as approved by the Board of Directors.

The District has valid licenses to run the Polaris software on the current WIN 2003 Server. The license does not prohibit the District from adding additional libraries. (C-65-09-014-3-00)

Motion to approve by: Director Wilcox, Seconded by: Director Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

L-3. 08092-C, SMART CARDS FOR LIBRARY DISTRICT AUTOMATED SYSTEMS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 08092-C

Item: Smart Cards For Library District Automated Systems (\$300,000 estimate/five years until May 31, 2014, with five year renewal option) Price Agreement to purchase Smart Cards for the Maricopa County Library District's automated systems.

Keystone Manufacturing (C-73-09-072-7-00)

Motion to approve by: Director Wilcox, Seconded by: Director Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

92. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Dan Hemry, Maricopa Citizens for Safety and Accountability (MCSA), said he is fasting to stop 287G funding and other support for Sheriff Arpaio and was very grateful the Board had not yet given him the \$1.6 million. He hoped the Board could resolve this soon so people could stop the hunger-strike.

Garrett Smith, resident, said he has also been fasting since Sunday and is participating in this action because he wants to do all he can to provide safety for his five Mexican-American children. He said he is afraid they will be racially profiled by the Sheriff's Department if they leave the house without him. He would not want them to be placed in handcuffs, as has been documented. He felt the targeting of Hispanics by the Sheriff hurts the community as a whole. He asked the Board to consider cancelling the 287G Agreement and to oppose accepting the \$1.6 million grant monies to be used against immigration when it comes for a vote.

Raquel Teran, MCSA, addressed the fact that the Board had continued the April 6th agenda item to accept the \$1.6 million for the Sheriff's efforts to fight immigration, until more facts were known. She affirmed that MCSA appreciated this and continue to look to the Board as being able to supervise the Sheriff's budget expenditures. She added, she hoped if this money comes before the Board again they will not approve it

Kristy Theilen, MCSA, said she had been arrested twice in protesting what she believed to be an injustice with regards to the Sheriff's treatment of Mexican-Americans. She asked the Board to put politics aside and consider from their hearts if this treatment is an injustice before voting to approve the 287G Agreement or the \$1.6 million from the State.

Dennis Gilman, resident, said he too is fasting for justice this week, He indicated he was doing it as a citizen of Maricopa County, as a voter, as a taxpayer, as a homeowner. He said he took a week's vacation to do this because he believes accountability is needed in Maricopa County.

Jason O'dner, MCSA, said he one of the fasters. He added that he realizes the Board's control over the Sheriff is limited but believed there are situations where some control could be exercised. He quoted statements of Sheriff Arpaio, made on several occasions, the most recent at a gathering at ASU. Mr. O'dner said MCSA is here today to indicate their willingness to work with the Board collaboratively.

Sarah Grace Daniels thanked the Board for the opportunity to speak and for their willingness to listen. Ms. Daniels is a political science student at ASU and is one of the fasters with MCSA. She also addressed some of the quotes made by Sheriff Arpaio at a

lecture she attended at ASU several weeks ago. She asked the Board to investigate the allegations that have been made thoroughly before giving additional funding to the Sheriff's Office.

Teo Argueta said he is fasting as a U.S. citizen for those who have suffered violence from Sheriff Arpaio. He is part of the 20 people fasting because he believes they are part of the best part of humanity and they are here because they trust the Board. He asked the Board to take advantage of the opportunity he knew would come to them, knowing MCSA would be in support and stand with them.

Jorge Mendoza, Mechanical Engineering student at ASU and a member of MCSA is also fasting to protest Joe Arpaio. Mr. Mendoza said he was here "not out of hate for people but out of love for people." He felt a connection to those who are suffering in the community. He said that all men are equal, and have the same basic needs as a definition of being human.

93. Supervisors'/County Manager's summary of current events.

Supervisor Wilcox said a team of people from Homeland Security have entered the County and she had met with several groups of people here to interview as pre-work for the Justice Department in their evaluation of racial profiling in the Sheriff's Office. She thanked the speakers for coming today. She said that last Saturday more than 3,000 people marched in protest to the 287G Agreement on Immigration. It is apparent that more and more people are standing up against the racial profiling that is going on. She asked David Smith to brief the Board on what is occurring with the hunger strike at the jails. She asked for an update on the Graves vs. Arpaio issues involving inmate's food.

Supervisor Wilcox also reported on her annual trip to take neighborhood children from schools surrounding the ballpark to see a live Diamondback's game. These kids have never gotten to go see a game before. Supervisor Wilcox began to do this eleven years ago and the 5th graders who get to see the game have to sign a contract with her to do six-hours of community service work. The Diamondbacks give everyone in the group a red, team tee-shirt and donations cover each having a hot dog and a coke. This year the group contained more than 1,200 kids. Ms. Wilcox showed a short video-clip of the kids marching in and enjoying the game. She said Derrick Hall, the new CEO of the Diamondbacks, loved the event and asked her if she could do this three times a year - - she told him, "No, once is enough!"

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

CODE ENFORCEMENT REVIEW

PZ-1. MERKER - V200701009/ V200701292

This is the time for the review of the Hearing Officer's Order of Judgment of Zoning Code Violation Case V200701009 and V200701292, Merker (Supervisor District 3). (C-44-09-129-M-00)

Darren Gerard reported on the background of this case of a citizen complaint reporting trash, debris, numerous inoperable vehicles and the construction of a two-story garage without valid permits that was opened in April 2007. A violation hearing was held on June 10, 2008, and the respondent found to be responsible and fined \$300 and \$30 per diem, which totals \$10,260 at this time. This case was first heard by the Board last September when Mr. Merker was given six-months to bring his property into compliance. The site remains non-compliant. Neither Mr. Merker nor his representative were present to testify.

Motion to uphold Hearing Officer's Order of Judgment by: Supervisor Kunasek,
Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

CONSENT AGENDA

1. SPECIAL USE PERMIT - PHO TESOTA HILLS

Case Number: Z2008059
Supervisorial District: 4
Applicant: Rick Shaw on behalf of Verizon Wireless
Location: Northeast of Indian School Road & Jackrabbit Trail (in the Buckeye area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility - a new 69 ft. monopole with potential for additional carriers - in the Rural-43 zoning district, Wireless Communication Facility (WCF) Use District 2
Commission Action: Approve by a unanimous vote of 6-0 subject to stipulations 'a' - 'r' as reflected in the attached staff report.
(C-44-09-133-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

REGULAR AGENDA

2. COMPREHENSIVE PLAN AMENDMENT - CUSTOM FARM SLAUGHTERHOUSE

Case Number: CPA200802

Supervisory District: 5
Applicant: Robert Gomez for Merced Herrera
Location: West side of 79th Avenue (alignment) and approx. one-half mile north of Baseline Road.
Request: Comprehensive Plan Amendment (CPA) to change the land use category from Rural Development Area (RDA) and Open Space to Industrial (approx. 8.0 ac.)
Commission Action: Approve by a vote of 6-0 subject to staff recommended stipulations 'a' - 'f'. (see note below)

Note: CPA case approval is by Resolution. (C-44-09-130-7-00)

Motion to continue to the May 20, 2009, meeting, by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

3. COMPREHENSIVE PLAN AMENDMENT - PALISADES AT CROSSRIVER

Case Number: CPA200809
Supervisory District: 4
Applicant: Beus Gilbert, PLLC for Walnut Creek Development, Inc.
Location: Northeast corner of Williams Drive & 123rd Avenue (in the Surprise/Peoria area)
Request: Comprehensive Plan Amendment (CPA) to change the land use category from Small Lot Residential (2-5 d.u./ac.) to High Density Residential (15 d.u./ac.+) (approx. 8.4 ac.)
Commission Action: Approve by a vote of 6-0 subject to staff recommended stipulations 'a' - 'h'. (see note below)

Note: CPA case approval is by Resolution. (C-44-09-131-7-00)

Darren Gerard reported on related agenda items 3 & 4, to allow a condominium complex to be built. He said there was a previous petition of opposition with 188 names but he believed the designation of the units as owner-occupied rather than rentals has largely alleviated those concerns. The recommendation for the CPA case is for approval, which is by resolution. The zoning case is also recommended for approval with stipulations "a" through "v."

A representative from Beus Gilbert spoke for the applicant and related several changes they had made to satisfy the opposition, adding they approve the stipulations.

Motion to concur with Planning and Zoning recommendation for approval on a motion by resolution, which is on file in the Clerk of the Board's Office, by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

4. ZONE CHANGE - PALISADES AT CROSSRIVER

Case Number: Z2008070
Supervisory District: 4

Applicant: Beus Gilbert, PLLC for Walnut Creek Development, Inc.
Location: Northeast corner of Williams Drive and 123rd Avenue (in the Surprise/Peoria area)
Request: Zone Change from Rural-43 to R-4 with a Precise Plan of Development for a 160-unit multi-family condominium complex (approx. 8.4 ac.) - Palisades at Crossriver
Commission Action: Approval by a vote of 6-0 subject to stipulations "a" - "v" which included revised stip "e" as listed in the attached minutes.

No opposition appeared to speak at the hearing. The primary concerns of the opposition have been mitigated through road improvements along El Mirage from the 303 to Deer Valley Road, a developer's agreement with the school district to help pay for additional classroom space and by converting the 160-unit complex from rental to ownership. (C-44-09-134-7-00)

Motion to concur with Planning and Zoning recommendation for approval by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

5. SPECIAL USE PERMIT - SHOWROOM ROCK YARD

Case Number: Z2006026
Supervisory District: 3
Applicant: Carol Lynn de Szendeffy for Arizona Rock Express
Location: East of I-17 (Black Canyon Freeway) and north of New River Road (in the New River area)
Request: Special Use Permit (SUP) for a retail landscape business in the R-4 zoning district.
Commission Action: Approval by a vote of 6-0 subject to stipulations "a" - "s" as listed in the attached minutes.
(C-44-09-135-7-00)

Darren Gerard, said this case is a Special Use Permit for a retail landscape business and the recommendation is for approval.

Carol Lynn de Szendeffy, representing the applicant, said the stipulations are acceptable to her client.

Motion to concur with Planning and Zoning recommendation for approval by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

6. SPECIAL USE PERMIT - BRITT FARM WCF

Case Number: Z2006083
Supervisory District: 5
Applicant: Quinn United Services on behalf of AT&T Mobility
Location: East of Avondale Boulevard and south of Southern Avenue at 6247 South Avondale Boulevard (in the Avondale area).
Request: Special Use Permit (SUP) for a Wireless Communication Facility - 80' high

monopole stealth designed as a pine tree, or "monopine", with potential for three antenna arrays - in the Rural-43 zoning district and in Wireless Communication Facility Use District 1

Commission By a vote of 5-1, recommended Approval subject to staff recommended stipulations
Action: "a"- "t" as listed in the attached minutes.

The applicant presented material at the Commission hearing in order to demonstrate area topographic constraints and the necessary elevation needed to meet the radio frequency needs of their cellular carrier prevent collocation onto an existing monopole located proximate on a neighborhood property.

The owner of the property to the south (Michelena) provided another letter of opposition and a letter from a consultant who had done business with Mr. Michelena over the years.

* Subsequently staff received three (3) more letters, and revised petitions from both the opposition and the support. A super-majority vote is still required.

The additional letters and revised petitions along with a revised Support/Opposition table and map have been included as attachments to this staff report. (C-44-09-136-7-00)

Motion to continue to the June 3, 2009, meeting, by: Supervisor Wilcox, Seconded by:
Supervisor Kunasek
Ayes: Kunasek, Wilcox, Wilson
Absent: Stapley, Brock

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:45 a.m.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board